IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENN ENGINEERING &	:	
MANUFACTURING CORP.,	:	**CIVIL ACTION**
Plaintiff	:	
	:	
v.	:	
	:	
PENINSULA COMPONENTS, INC.,	:	**No. 19-513**
Defendant	:	

O R D E R

AND NOW, this 24th day of August, 2022, upon consideration of PennEngineering's motions for summary judgment (Doc. Nos. 257, 258, 260, & 261), Peninsula's motion for summary judgment (Doc. No. 259), the subsequent exhibits, responses and replies thereto (Doc. Nos. 270–273, 279, 282, 282, 288–291 & 293), the Court having held oral argument on May 9, 2022, the parties' post-hearing memoranda (Doc. Nos. 306 & 307), PennEngineering's motion to supplement its evidence in support of its motion for summary judgment (Doc. No. 310) and Peninsula's response (Doc. No. 312), and for the reasons set forth in the accompanying Memorandum, it is hereby **ORDERED** as follows:

1. PennEngineering's motion to supplement its evidence (Doc. No. 310) is **GRANTED**;

2. PennEngineering's summary judgment motions (Doc. Nos. 257, 258, 260 & 261) are **DENIED**;

3. Peninsula's summary judgment motion (Doc. No. 259) is **GRANTED IN PART** for the following claims:

   a. Trademark infringement claims based on hidden use of trademarks for keyword conquesting;

   b. Counterfeiting claims in counts 23–34 of the Second Amended Complaint; and

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c. All claims based on the 20 unused registered marks[1] and 31 of the unused common

    law marks;[2] and

4. Peninsula's summary judgment motion (Doc. No. 259) is **DENIED IN PART** as to the

    remainder.

BY THE COURT:

  /s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge

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[1] The 20 unused registered marks are the PEM logos registered at Nos. 889,244; 1,043,967; 1,092,108; 1,113,034; 4,331,371; and PEMFLEX, PEMHEX, PEMSERT, PEMSERTER, PEMSERTER MICRO-MATE, PEMSERTER and triangle composite, PEM SP, PEM300, AUTOPEM, MICROPEM, AEROPEM, PEM SH, PEM SH and design, PEM VM, and PEM SMPP.

[2] The 31 unused common law marks are PEM C.A.P.S., S-RT, SH, SMPP, SMTSO, SMTSOB, MPP, TPS, TP4, TPXS, MS04, MSOFS, SMTSS, MSIB, PF11M, PF11MF, PF11MW, PF12M, PF12MF, PF12MW, PF7M, PF7MF, PSHP, SMTPFLSM, SMPTR, RAA, RAS, SMTRA, T, TDO and VM.